

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS**

Wesley Pabst, et al.

Plaintiffs

v.

The Peoples Gas Light & Coke Co., et al.

Defendants

No. 1:22-cv-01124

**DEFENDANTS' MOTION TO STAGE DISCOVERY**

Defendants The Peoples Gas Light & Coke Co. ("Peoples Gas"), WEC Energy Group Inc. ("WEC Energy"), and The Broydrick Group, LLC ("Broydrick") respectfully ask this Court to adopt a staged approach to discovery in this matter, in the interests of efficiency and judicial economy. In support of their Motion, Defendants state, as follows:

1. This asserted class action arises from a December 2016 incident at a gas injection/withdrawal well at Peoples Gas's underground storage facility in Mahomet, Illinois, in which natural gas leaked from the well into the local aquifer.

2. On May 3, Defendants intend to move to dismiss the RICO causes of action against all three Defendants, all remaining claims against WEC Energy, and certain other claims against Peoples Gas. While some of the common law claims against Peoples Gas will remain, Defendants believe that there are extraordinarily strong threshold issues that will be presented by their Rule 12(b)(6) motion as to whether Plaintiffs' RICO claims may proceed and whether an indirect parent holding company may be held liable in tort merely by its corporate status. Moreover, if the Court dismisses the RICO claims against Broydrick and WEC Energy, all bases of federal jurisdiction – both RICO and CAFA – will be lost, unless the Court opts to continue to exercise supplemental

jurisdiction. Regardless, if the RICO claims are dismissed, this will substantially narrow the scope of the parties, claims, and defenses at issue in this lawsuit at the outset, and the issues to be presented at the class certification stage.

3. Accordingly, Defendants propose that discovery should be sequenced and tailored to focus first on the issues at the heart of Plaintiffs' claims: the December 2016 incident at the gas storage facility in Mahomet, Illinois, and Peoples Gas's response, the named Plaintiffs' individual circumstances, and matters pertinent to whether any class should be certified, and if so the scope of such a class.

4. Counsel for Defendants bring this Motion after consulting with counsel for Plaintiffs by email on April 15 and 18 and by telephone on April 19, in good faith efforts to resolve the issues raised in this Motion, but the parties were unable to reach an accord.

5. In further support of this Motion, Defendants file herewith the accompanying Memorandum in Support of this Motion to Stage Discovery.

For the foregoing reasons, Defendants The Peoples Gas Light & Coke Co., WEC Energy Group Inc., and The Broydrick Group, LLC, respectfully ask this Court to grant their Motion and enter a targeted, staged discovery plan in this case.

Dated: April 19, 2022

/s/ Edward Casmere

Edward Casmere

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*Counsel for Defendants The Peoples Gas Light  
& Coke Co., WEC Energy Group Inc., and The  
Broydrick Group, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 19, 2022, I caused the foregoing document to be electronically filed used the CM/ECF system, which will send notice of this filing to all counsel and parties of record.

/s/ Edward Casmere